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May 7, 2021

**VIA TRUEFILING**

Jorge E. Navarrete, Clerk of the Court  
Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102

Re: *John Busker v. Wabtec Corporation, et al.*  
Supreme Court of California - Case No. S251135; 17-55165

Dear Mr. Navarrete:

Pursuant to California Rules of Court, rule 8.520(d) plaintiff and appellant John Busker writes to reference this Court's recent Opinion in *Kaanaana v. Barret Business Services, Inc.* (2021) 11 Cal.5th 158 concerning construction of Labor Code section 1720 defining public works contracts. *Kaanaana* was not yet decided when plaintiff filed his merits briefs. Plaintiff's counsel will be prepared to discuss this decision at the oral argument on May 19, 2021.

Sincerely,

*s/ Stuart B. Esner*

Stuart B. Esner

SBE:kw

## PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 234 East Colorado Boulevard, Suite 975, Pasadena, CA 91101.

On the date set forth below, I served the foregoing document(s) described as follows: **LETTER TO COURT**, on the interested parties in this action by placing \_\_\_\_ the original/ X a true copy thereof enclosed in a sealed envelope(s) addressed as follows:

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- STATE I declare under penalty of perjury that the foregoing is true and correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on May 7, 2021, at Irvine, California.

*s/ Kelsey Wong*  
\_\_\_\_\_  
Kelsey Wong

## SERVICE LIST

*John Busker v. WABTEC Corp., et al.*

Supreme Court of California

(S251135 | 17-55165 | 2-5-cv-08194-ODW-AFM)

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**STATE OF CALIFORNIA**  
Supreme Court of California

**PROOF OF SERVICE**

**STATE OF CALIFORNIA**  
Supreme Court of California

Case Name: **BUSKER v. WABTEC CORPORATION**

Case Number: **S251135**

Lower Court Case Number:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

5/7/2021

Date

/s/Marina Maynez

Signature

Esner, Stuart (105666)

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Last Name, First Name (PNum)

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Law Firm